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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,334	01/31/2001	Arlene Balto	99999-0100US01	4268

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EXAMINER

GRILES, BETHANY L

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 07/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,334

Applicant(s)

BALTO, ARLENE

Examiner

Bethany L. Griles

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-11 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-11 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

R sponse to Amendm nt

Applicant's arguments with respect to claims 1, 2, 3, 6-11, 14, and 15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gullino et al. (US 3,897,751) (hereinafter referred to as 751) in view Chung (US 4,279,361).

Regarding claims 1 and 11, 751 discloses a housing 10 comprising a front panel 14, a rear panel 14, a bottom panel 14 and two side panels 14, and a fluid container support 34 coupled to the housing, and that the housing is used during therapeutic treatment (fig 1).

751 does not disclose a syringe cradle coupled to the housing or the fluid container; however, 751 does disclose medication disseminated to the animal via members 37, 40, 21, and 38.

Chung discloses a syringe cradle (see fig 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Chung to the invention of 751 in order to have the syringe means in a stable position in a stable condition and near the animal to be treated. It would further have been obvious to the ordinarily skilled artisan to attach

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the cradle to the housing or the fluid container, as the syringe disclosed by 751 is also in very close proximity to the cage and it would be intuitive to attach it to the cage or fluid container, and to allow for easier handling and transportation.

Claims 2, 3, 7-10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over 751 in view of Chung, as applied to claim 1 above, and further in view of Thrun (US 6,349,675).

Regarding claims 2, 7, and 14, 751 as modified by Chung discloses the top panel 16.

751 does not disclose a first and second top panel hingedly attached and coupled to the housing.

Thrun discloses a first and second top panel hingedly attached to the housing ((fig 5), and that the panels are selectively positionable to cover at least a portion of the opening, as they can be opened independently of one another (col 6, lines 26-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Thrun to the invention of 751 as modified by Chung, as the purpose of the doors disclosed by Thrun is to allow access to the interior of the enclosure.

Regarding claim 3, 751 discloses a securing device 20, which can be defined as a clasp, as it is holding the unit in place by a gripping means.

Regarding claims 8 and 15, 751 as modified by Chung discloses a top panel (16 of 751).

751 does not disclose a first and second top panel hingedly attached and coupled to the housing, or that the panels in a closed position cover less than one hundred percent of the top opening.

Thrun discloses a first and second top panel hingedly attached to the housing ((fig 5), and that the panels are selectively positionable to cover at least a portion of the opening, as they can be opened independently of one another (col 6, lines 26-30) Thrun also discloses that the panels cover less than one hundred percent of the top portion in the closed position (fig 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Thrun to the invention of 751 as modified by Chung in order allow access to the interior of the enclosure without allowing a wide area to possibly permit an animal to escape.

Regarding claim 9, 751 discloses a fluid container support 34 coupled to the housing 14.

Regarding claim 10, 751 discloses a syringe 37.

751 does not disclose a syringe cradle coupled to the housing or the fluid container.

Chung discloses a syringe cradle (see fig 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Chung to the invention of 751 in order to have the syringe means in a stable position in a stable condition near the animal to be treated. It would further have been obvious to attach the cradle to the housing or the

fluid container, as the syringe disclosed by 751 is also in very close proximity to the cage and it would be intuitive to attach it to the cage or fluid container.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over 751 in view of Chung as applied to claim 1 above, and further in view of Peterson.

Regarding claim 6, 751 as modified discloses a window 14.

751 does not disclose a grate covering the window.

Peterson teaches a grate (col 2, line 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Peterson with the invention of 751 as modified in order to create a cage which would not restrict airflow to the animal.

Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over 751 in view of Chung as applied to claim 1 above, and further in view of Carlin (US D 297,471).

Regarding claims 16 and 18, 751 as modified by Chung discloses a housing 10 with a syringe cradle attached (Chung 23).

751 as modified does not disclose a post.

Carlin discloses a post (fig 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Carlin to the invention of 751 as modified in order to provide a secure means of support for the syringe cradle which would also be out of reach of the animal being treated.

Regarding claims 17 and 19, 751 as modified by Chung discloses the fluid container support 34.

751 as modified does not disclose that the fluid container support is crook-shaped.

Carlin discloses that the support is crook-shaped (fig 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Carlin to the invention of 751 as modified in order to hold items in a secure and stable position. A crook shaped pole is well known to be used in therapeutic treatment settings such as this one.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703.308.2574. The fax phone numbers for the organization where this application or proceeding is assigned are 703.306.4196 for regular communications and 703.305.3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.5771.

Bethany L. Griles
Examiner
Art Unit 3643

blg
July 23, 2002



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